



FEB 2 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Philip S. Olick, Esquire
Moses & Singer
1301 Avenue of the Americas
New York, New York 10019 - 6076

Re: Combe Fill North and South
Superfund Sites - Carter Day Industries, Inc.

Dear Mr. Olick:

This letter in response to your letter dated November 25, 1992 concerning your client Carter Day Industries, Inc. ("Carter Day") and the Combe Fill North and Combe Fill South Superfund Sites (the "Sites").

At your request, EPA - Region II officials met with you and your client on October 22, 1992 to discuss the potential liability of your client for past and future response costs which the government may incur at the Sites. At that meeting, you indicated that recent developments in bankruptcy case law support the premise that your client would ultimately not be held liable for government response costs at the Sites if that issue was ever litigated.

The Region does not share your view on this matter nor is the Region willing to certify that your client is not potentially liable for government costs associated with clean up activities at the Sites.

As you are aware, I am not at liberty to discuss with you what, if any, specific enforcement actions EPA may take relative to Carter Day. We will inform you if and when the government elects to initiate a cost recovery action against your client and/or any other potentially responsible parties for the Sites.

Should you have any further questions, please contact me at (212) 264-3148.

Sincerely,

Melva J. Hayden
Assistant Regional Counsel
New Jersey Superfund Branch ✓

bcc: S. Fonseca, ERRD
B. McKnight, ERRD
J. Rooney, ORC-NJSUP